DETAILED ACTION-ALLOWANCE

Claim Status

1. Claim 1 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 5-12, directed to the process of using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on September 3, 2008 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claim 5 has been amended to be commensurate in scope with the allowable subject matter of claim 1 and claims 6-12 are cancelled as agreed on November 2, 2010 as addressed below.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Barth on November 2, 2010.

3. The application has been amended as follows:

a. In claim 5 line 3, after "to a patient" insert --- , wherein the Rho kinase inhibitor is (R)- (+)-N- (1H-pyrrolo[2,3-b]pyridin-4-yl)-4-(1-aminoethyl)benzamide and the ß-blocker is timolol --- and before the "."

b. Claims 6-12 have been cancelled.

4. The following is an examiner's statement of reasons for allowance:

Upon review, the reduction of intraocular pressure from the combination of the Y-39983 ((R)- (+)-N- (1H-pyrrolo[2,3-b]pyridin-4-yl)-4-(1-aminoethyl)benzamide) and timolol while additive at 2 hours, is synergistic at 4 hours and viewed as a property of the composition which overcomes obviousness of combining the two components for a composition useful for treating glaucoma through the reduction of intraocular pressure. Additionally, the showing in the affidavit of August 5, 2009 addresses that this is not

present in all Rho kinase inhibitors as the combination of HA1077 (fasudil, a rho kinase inhibitor) and timolol did not produce the same or similar synergistic results.

5. Claim 1 and 5 (as amended) are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIGI HUANG whose telephone number is (571)272-9073. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FEREYDOUN SAJJADI can be reached on 571-272-3311. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GiGi Huang/
Examiner, Art Unit 1617

/Fereydoun G Sajjadi/
Supervisory Patent Examiner, Art Unit 1617